

Approved: 
JACOB R. FIDDELMAN
Assistant United States Attorney

Before: HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

21 MAG 9827

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UNITED STATES OF AMERICA : SEALED COMPLAINT
- v. - : Violation of 18 U.S.C.
BRUCE SILVA, : §§ 922(g)(1) and 2.
Defendant. : COUNTY OF OFFENSE:
 : BRONX
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SOUTHERN DISTRICT OF NEW YORK, ss:

JOSEPH BOYER, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

1. On or about August 13, 2019, in the Southern District of New York, BRUCE SILVA, the defendant, knowing that he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess, in and affecting commerce, ammunition, to wit, .380-caliber shell casings that had been previously shipped and transported in interstate and foreign commerce.

(18 U.S.C. §§ 922(g)(1) and 2.)

The bases for my knowledge of the foregoing charge are, in part, as follows:

2. I am a Detective with the NYPD, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my

investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my participation in this investigation, including my personal observations, my review of law enforcement records and surveillance videos, and my conversations with other law enforcement officers, I have learned the following, in substance and in part:

a. As captured on surveillance video, on or about August 13, 2019, at approximately 3:45 a.m., in front of a bodega located at 105 East 175th Street in the Bronx, New York ("Location-1"), a slim black male with facial hair, wearing a light gray or white t-shirt, lime-green shorts, and black and white sneakers, later identified as BRUCE SILVA, the defendant, as described below, was standing on the sidewalk near Location-1 with several other individuals. SILVA's face is clearly visible in the surveillance video.

b. The surveillance video shows that at one point, SILVA briefly entered the bodega, and his face is also clearly visible in surveillance video from inside the store. SILVA then exited the bodega and returned to standing with the other individuals.

c. Surveillance video also shows that a gray Subaru sedan (the "Vehicle") then pulled up on East 175th Street and stopped in front of the bodega at Location-1. Two individuals ("Victim-1" and "Victim-2") exited the Vehicle and entered the bodega. A third individual ("Victim-3") remained in the driver's seat of the Vehicle.

d. Shortly thereafter, surveillance video shows that Victim-1 and Victim-2 exited the bodega and got back into the Vehicle. At that time, SILVA ran into the street from the sidewalk where he had been standing and ran towards the Vehicle. SILVA was carrying a firearm, and he fired several shots directly at the Vehicle as the Vehicle began driving away. SILVA then fled the scene. At the same time, the NYPD's ShotSpotter gunfire detection system detected three gunshots in the vicinity of Location-1.

e. One of the bullets fired by SILVA traveled through the Vehicle and struck Victim-3 in the back as he was driving the Vehicle. As a result of this injury, Victim-3 became paralyzed.

f. Shortly after the shooting incident, law enforcement officers recovered three .380-caliber shell casings from the ground at Location-1 near where SILVA had been located at the time he discharged the firearm. One shell casing ("Casing-1") was stamped with the manufacturer name "BLAZER" and the words "380 AUTO." Another shell casing ("Casing-2") was stamped with the manufacturer name "Tulammo" and the words "380 ACP." The stamping on the third shell casing was partially obscured.

g. I have reviewed the surveillance videos described above and have compared the person shown in the surveillance video discharging the firearm to known law enforcement photographs of SILVA. It is apparent to me that the person shown in the surveillance video is SILVA.

h. In addition, several days later, after receiving medical attention, Victim-3 was shown a six-pack photograph array including a photograph of SILVA. Victim-3 positively identified SILVA as the individual who had shot him.

4. Based on my conversations with a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives, which maintains data regarding the manufacture of firearms and ammunition, I have learned, in substance and in part, that Casing-1 and Casing-2, which were recovered from the scene of the above-described shooting, were not manufactured in the State of New York and must therefore have previously traveled in interstate commerce.

5. Based on my review of criminal history records regarding BRUCE SILVA, the defendant, I have learned, in substance and in part, that in or about September 2013, SILVA was convicted in New York State Supreme Court, New York County, of assault in the second degree, in violation of New York Penal Law Section 120.05(2), and was sentenced to four years' imprisonment.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of BRUCE SILVA, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.

/s authorized electronic signature

JOSEPH BOYER
Detective
New York City Police Department

Sworn to me through the transmission of this
Complaint by reliable electronic means, pursuant to
Federal Rule of Criminal Procedure 4.1, this
14th day of October, 2021


THE HONORABLE SARAH NETBURN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK